

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAILED

SEP 23 2005

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte CHARLES C. BIRKNER,  
ELIAS GEORGE ELDAHDAH,  
and  
DAVID FREDERICK MARTINEZ

Application 09/696,465

COMMUNICATION

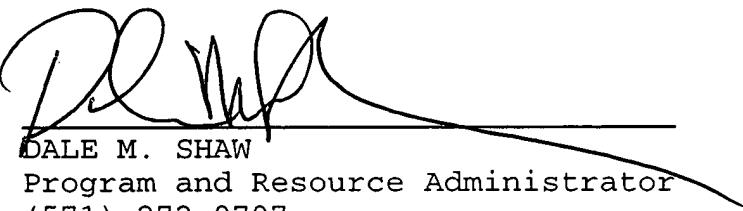
An ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER was mailed August 15, 2005, which requested that the examiner notify appellants "to submit a Supplemental Appeal Brief which includes a new Appendix to the Appeal Brief filed on June 14, 2004, or for the examiner to issue a Supplemental Examiner's Answer which contains a correct copy of claims 1, 11 and 12." It is noted that a new Appendix was facsimile transmitted by appellants on August 23, 2005 and has replaced the previously defective Appendix. Accordingly, the case will be issued an Appeal Number

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and assigned in due course to a merits panel for consideration  
and decision on the written record.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



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